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OFFICE OF PETITIONS

Paper No.

MBHB/TRADING TECHNOLOGIES
300 SOUTH WACKER DRIVE
SUITE 3200
CHICAGO IL 60606

In re Application of	:	
Burns	:	
Application No. 10/804,631	:	ON APPLICATION FOR
Filed: March 19, 2004	:	PATENT TERM ADJUSTMENT
Atty Docket No. : 02-184-C	:	
Title: SYSTEM AND METHOD FOR	:	
ESTIMATING A SPREAD VALUE	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed June 28, 2010. Applicants request that the patent term adjustment be corrected from one thousand and seventy (1070) days to nine hundred and twenty-three (923) days.

The request for reconsideration of the patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is 923 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On May 21, 2010, the Office mailed a "Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)," which indicated that the Patent Term Adjustment to date was 1070 days. The present request for reconsideration, filed June 28, 2010, was timely filed as it was submitted concurrently with the issue fee. See § 1.705(b). Applicant asserts that a reduction should have been assessed, associated with a response to the mailing of two Information Disclosure Statements.

A review of the application history supports a conclusion that Applicant is correct.

37 CFR 1.704(c)(8) sets forth that the following constitutes a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application, and will result in a reduction of the period of adjustment:

Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed

On November 17, 2009, Applicant submitted a response to a Rule 105 requirement. A first Information Disclosure Statement (IDS) was received on March 15, 2010, and a second IDS was received on April 13, 2010, 147 days after the receipt of the response to the Rule 105 requirement.¹ It follows that a 147-day reduction is warranted.

A reduction of 147 days has been entered.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is 932 (1070 days of Office delay minus 147 days of Applicant delay) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required. The Office thanks Applicant for her good faith and candor in bringing this to the attention of the Office.

Applicant is reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicants will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

¹ The record supports Applicant's assertion that neither IDS contains the statement contained within 37 C.F.R. § 1.704(d). As such, these two submissions constitute a failure to engage in reasonable efforts to conclude prosecution.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the typed name.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



PTA/PTE Information Patent Term Adjustment Patent Term Extension

Application Number*: Search Explanation of PTA Calculation Explanation of PTE Calculation

PTA Calculations for Application: 10804631

Application Filing Date	03/19/2004	OverLapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays:	1070
A Delays	1070	PTO Manual Adjustment	-147
B Delays	0	Applicant Delay (APPL)	0
C Delays	0	Total PTA (days)	923

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
104	09/04/2010		P028	Adjustment of PTA Calculation by PTO		147	0
90	05/21/2010		MN/=.	Mail Notice of Allowance			0
89	05/11/2010		IREV	Issue Revision Completed			0
88	05/11/2010		DVER	Document Verification			0
87	05/11/2010		N/=.	Notice of Allowance Data Verification Completed			0

84	05/10/2010	CNTA	Notice of Allowability	0
82	04/13/2010	IDSC	Information Disclosure Statement considered	0
81	04/13/2010	EIDS.	Electronic Information Disclosure Statement	0
80	04/13/2010	WIDS	Information Disclosure Statement (IDS) Filed	0
83	03/15/2010	IDSC	Information Disclosure Statement considered	0
79	03/15/2010	EIDS.	Electronic Information Disclosure Statement	0
78	03/15/2010	WIDS	Information Disclosure Statement (IDS) Filed	0
77	03/06/2010	FWDX	Date Forwarded to Examiner	0
76	11/17/2009	R105	Response to Rule 105 Required for Information Filed	0
75	10/05/2009	ELC_RVW	Electronic Review	0
74	10/05/2009	EML_NTF	Email Notification	0
73	10/05/2009	MCTMS	Mail Miscellaneous Communication to Applicant	0
72	09/30/2009	CTMS	Miscellaneous Action with SSP	0
71	08/12/2009	FWDX	Date Forwarded to Examiner	0
70	07/07/2009	A...	Response after Non-Final Action	0
69	06/25/2009	MCTMS	Mail Miscellaneous Communication to Applicant	0
68	06/22/2009	CTMS	Miscellaneous Action with SSP	0
67	04/14/2009	FWDX	Date Forwarded to Examiner	0
66	03/13/2009	A...	Response after Non-Final Action	0
65	01/23/2009	MCTNF	Mail Non-Final Rejection	0
64	01/21/2009	CTNF	Non-Final Rejection	0
63	11/06/2008	FWDX	Date Forwarded to Examiner	0
61	11/06/2008	FWDX	Date Forwarded to Examiner	0
59	11/06/2008	ABN9	Disposal for a RCE / CPA / R129	0
62	10/29/2008	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	0
60	10/29/2008	RCEX	Request for Continued Examination (RCE)	0
58	10/29/2008	BRCE	Workflow - Request for RCE - Begin	0
57	10/29/2008	MEXIN	Mail Examiner Interview Summary (PTOL - 413)	0
56	10/20/2008	EXIN	Examiner Interview Summary Record (PTOL - 413)	0

55	09/19/2008	MCTFR	Mail Final Rejection (PTOL - 326)	0
54	09/15/2008	CTFR	Final Rejection	0
53	08/13/2008	FWDX	Date Forwarded to Examiner	0
52	07/22/2008	A...	Response after Non-Final Action	0
51	04/23/2008	05/19/2005 MCTNF	Mail Non-Final Rejection	-1
49	03/20/2008	IDSC	Information Disclosure Statement considered	0
48	03/20/2008	EIDS.	Electronic Information Disclosure Statement	0
47	03/20/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
46	03/14/2008	CTNF	Non-Final Rejection	0
39	01/29/2008	DOCK	Case Docketed to Examiner in GAU	0
86	01/15/2008	M844	Information Disclosure Statement (IDS) Filed	0
45	01/15/2008	IDSC	Information Disclosure Statement considered	0
38	01/15/2008	RCAP	Reference capture on IDS	0
33	01/15/2008	WIDS	Information Disclosure Statement (IDS) Filed	0
32	01/09/2008	DOCK	Case Docketed to Examiner in GAU	0
31	01/08/2008	DOCK	Case Docketed to Examiner in GAU	0
44	12/06/2007	IDSC	Information Disclosure Statement considered	0
35	12/06/2007	RCAP	Reference capture on IDS	0
34	12/06/2007	M844	Information Disclosure Statement (IDS) Filed	0
30	12/06/2007	WIDS	Information Disclosure Statement (IDS) Filed	0
29	10/17/2007	W525	Withdraw Flagged for 5/25	0
28	10/17/2007	DOCK	Case Docketed to Examiner in GAU	0
27	10/15/2007	F525	Flagged for 5/25	0
43	05/22/2007	IDSC	Information Disclosure Statement considered	0
24	05/22/2007	RCAP	Reference capture on IDS	0
23	05/22/2007	M844	Information Disclosure Statement (IDS) Filed	0
22	05/22/2007	WIDS	Information Disclosure Statement (IDS) Filed	0
21	01/25/2007	DOCK	Case Docketed to Examiner in GAU	0
20	01/25/2007	DOCK	Case Docketed to Examiner in GAU	0

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19	06/30/2006	DOCK	Case Docketed to Examiner in GAU	0
18	09/02/2005	DOCK	Case Docketed to Examiner in GAU	0
17	06/22/2005	DOCK	Case Docketed to Examiner in GAU	0
16	03/24/2005	RESC	Rescind Nonpublication Request for Pre Grant Publication	0
15	07/09/2004	TSSCOMP	IFW TSS Processing by Tech Center Complete	0
14	07/09/2004	DOCK	Case Docketed to Examiner in GAU	0
85	06/17/2004	CFRPT	Corrected filing receipt	0
10	06/03/2004	COMP	Application Is Now Complete	0
9	06/03/2004	W/OA	Pre-Exam Office Action Withdrawn	0
6	06/03/2004	COMP	Application Is Now Complete	0
13	06/02/2004	WROIPE	Application Return from OIPE	0
12	06/02/2004	ROIPE	Application Return TO OIPE	0
11	06/02/2004	WROIPE	Application Return from OIPE	0
8	06/02/2004	ROIPE	Application Return TO OIPE	0
7	06/02/2004	OIPE	Application Dispatched from OIPE	0
4	04/15/2004	L194	Cleared by OIPE CSR	0
3	04/15/2004	CLSS	CASE CLASSIFIED BY OIPE	0
2	03/26/2004	SCAN	IFW Scan & PACR Auto Security Review	0
5	03/19/2004	NPRQ	PGPubs nonPub Request	0
1	03/19/2004	IEXX	Initial Exam Team nn	0

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